

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANTONIO DIAZ,

Plaintiff,

V.

**GEOVERA SPECIALTY INSURANCE
COMPANY,**

Defendant.

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CIVIL ACTION NO. _____

**DEFENDANT GEOVERA SPECIALTY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant GeoVera Specialty Insurance Company ("GeoVera" or "Defendant") file this, its Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy and respectfully show:

I. FACTUAL AND PROCEDURAL BACKGROUND

1. On August 22, 2019, Plaintiff Antonio Diaz filed his Original Petition, styled *Antonio Diaz v. GeoVera Specialty Insurance Company*, Cause No. 2019-58620, in the 80th Judicial District Court, Harris County, Texas. The lawsuit arises out of a claim Plaintiff made for damages to his property under an insurance policy issued by GeoVera.

2. Plaintiff served GeoVera with a copy of the Plaintiff's Original Petition on September 11, 2019.

3. GeoVera's Answer was filed on October 7, 2019.

4. GeoVera files this notice of removal within 30 days of receiving Plaintiff's Citation and Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *Id.* All process, pleadings, and orders in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiff.

5. As required by 28 U.S.C. § 1446(a), and Rule 81 of the Local Rules for the United States District Court of the Southern District of Texas, being filed simultaneously with the filing of this Notice of Removal:

Exhibit A: Index of Matters Being Filed

Exhibit B: Docket Sheet

Exhibit C: Plaintiff's Original Petition

Exhibit D: Request for Issuance of Service

Exhibit E: Civil Process Pickup Form

Exhibit F: Citation served on GeoVera Specialty Insurance Company

Exhibit G: Defendant's Original Answer to Plaintiff's Original Petition

Exhibit H: List of Parties and Counsel

II. BASIS FOR REMOVAL

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. Plaintiff and Defendant GeoVera are diverse.

7. **Plaintiff Antonio Diaz** is an individual residing in Harris County, Texas;

8. **Defendant, GeoVera Specialty Insurance Company** is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California. GeoVera is therefore not a citizen of the State of Texas for diversity purposes.

9. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiff and GeoVera.

B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff's Original Petition expressly alleges that "Plaintiff seeks monetary relief under \$100,000." (Pl's Orig. Pet. ¶2). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

III. THIS REMOVAL IS PROCEDURALLY CORRECT

11. GeoVera received service of this lawsuit on September 11, 2019. Thus, GeoVera is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

12. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division embrace the county in which the state action has been pending, and a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after GeoVera files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

15. Promptly after GeoVera files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. §1446(d).

CONCLUSION

16. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant GeoVera hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson
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**COUNSEL FOR DEFENDANT
GEOVERA SPECIALTY INSURANCE
SERVICES**

CERTIFICATE OF SERVICE

This is to certify that on the 10th day of October, 2019, a true and correct copy of the foregoing was delivered to the following counsel of record in accordance with the Federal Rules of Civil Procedure:

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/s/ Rhonda J. Thompson

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